

10/661,689  
September 21st, 2004  
Reply to Office Action of 06/22/2004

Via Facsimile

### **Remarks**

This amendment is in response to the June 22nd, 2004 Office Action. Filed herewith and incorporated to this amendment is a 132 affidavit from the first named inventor James D. Smith. Smith is also the first named inventor in both of the cited prior art references. Applicant respectfully traverses Examiner's rejections of claims 1-21 in light of the above amendments and the following remarks:

#### **Rejection of claims under § 112**

The Examiner is thanked for her suggestions relating to rejections under § 112, and amendments to the claims are believed to correct this rejection.

#### **Rejection of claims 1-21 under § 103(a)**

The examiner rejected claims 1-21 as being unpatentable over Smith '790 in view of Smith '541. As discussed in the attached 132 affidavit, the '790 patent teaches a patching resin with properties the same as that of the prior art to which the present invention overcomes. Namely, if the resin as described in the '790 patent is used, it produces a patch with an interface between the patch and the insulation, which is undesirable. It is not without undue experimentation, as described in the 132 affidavit by Smith, would a person of ordinary skill in the art be able to produce the resin of the present invention. And that is given, arguendo, that such a person would have the same inspiration to use a diluent as did the present inventors; which in and of itself would not be a proper assumption to make.

Diluents tend not to be used with filled resins, as discussed in the 132 affidavit. Further, one of ordinary skill in the art would not look to the unfilled resin of the '541 patent and apply diluents used therein to the filled resins of the '790 patent, since one of ordinary skill in the art of resins would know that they react differently to diluents.

In addition, claim 12 is directed towards thickening, rather than repairing damage such as a tear. The '790 patent does not teach thickening, and the amendment to pending claim 12 more precisely calls out this distinction that was previously mentioned in the

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claim preamble. Support for this claim can be found, for example, in the discussion of Fig. 5.

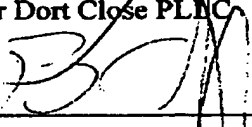
In view of the above amendments and remarks, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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per Dort Close PLNC

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